

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application 14456 of Arline and Michael Cooper, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against allowing an addition to a nonconforming structure now exceeding the lot occupancy requirements (Paragraph 7105.12), the closed court width and area requirements (Sub-section 3306.1), the rear yard requirements (Sub-section 3304.1) and the minimum lot area requirements (Sub-section 3301.1) for a proposed addition to and the conversion of an existing structure into an apartment house (Sub-section 3301.1) in a R-4 District at premises 1824 - 13th Street, N.W., (Square 238, Lot 846).

HEARING DATE: February 11, 1987
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The site is located on the west side of 13th Street, N.W., approximately mid-block between S and T Streets. The site, known as 1824 - 13th Street, N.W., (Square 238, Lot 846) is located in an R-4 District and in the Shaw Urban Renewal Area.

2. The site is a rectangular-shaped lot, 20.83 feet wide and 120.11 feet deep. The lot contains a total of 2503.14 square feet and is larger than 65 percent of the other lots in Square 238. It is bounded on the west by a 30 foot public alley and on the south and north by residential lots. The lot is improved with two brick structures. The main structure is a three-story, Victorian-style row structure with full English basement. The second structure ("carriage house") is a two-story accessory building located at the rear of the lot. The total building footprint is 1775.25 square feet, approximately 71 percent of the lot. Both buildings were constructed circa 1900.

3. The property is nonconforming as to lot occupancy. The R-4 District permits a maximum lot occupancy of 60 percent. The two structures were constructed prior to the adoption of the 1958 Zoning Regulations and occupy approximately 71 percent of the lot.

4. The carriage house contains 1041.5 gross square feet and is the largest structure of its type on Square 238. The height of the carriage house is twenty feet, with ceiling heights of nine feet for each story. Three

oversized windows with elaborate brick detailing face onto the alley. The courtyard facade contains an oversized window and an oversized doorway. Remnants of indoor plumbing still exist in the carriage house.

5. The surrounding property to the immediate north, east, south and west of the subject property is also located in R-4 District.

6. The Applicants propose to restore the carriage house and add a covered wooden walkway to consolidate the two existing structures into one building containing four dwelling units. Three of the apartment units, ranging in size from 1,092.49 square feet to 2,316.18 square feet, will be located in the main structure. The carriage house will contain an apartment unit and a garage for one vehicle, totaling 1,041.5 square feet. The Applicants will retain ownership of the property and will reside in the five-bedroom unit located on the second and third floors of the main structure. The second unit in the main structure will contain one bedroom and a living/dining room, kitchen and bathroom. The third apartment will contain one bedroom and a den, living/dining room, kitchen and bathroom. The carriage house unit will contain two bedrooms and a living/dining room, kitchen and bathroom.

7. The main structure, which was recently renovated, contains seventeen rooms. With a total of 4895.39 square feet of floor area, it is the largest single-family row dwelling in Square 238. A certificate of occupancy which authorized use as a rooming house was issued on September 6, 1945. The size of the proposed units is consistent with the size of existing units in the area. The size and design of the units will allow for spacious living accommodations having adequate light and air. The architectural integrity and features of the structures will be preserved.

8. Primary access to all units will be from 13th Street. The proposed plans include one off-street parking space. On-street parking is convenient and readily available on 13th, S and T Streets.

9. Public transportation is easily accessible with continuous bus service on 14th and U Streets. The U Street Metrorail Green line Station is scheduled to open in 1990.

10. The size and configuration of the carriage house would allow only one regulation size parking space.

11. The carriage house was most likely used for residential purposes in the past. Its architectural detailing, full second story, and the remains of indoor plumbing support this conclusion.

12. The applicants submitted into the record a letter from their mortgagee, dated January 23, 1987, prohibiting the demolition of the carriage house because it was included in the valuation of the entire property and is necessary to maintain the loan to value ratio.

13. The size of the lot cannot be increased to reduce the number or degree of variances that must be obtained to allow the proposed use. The neighboring row dwellings adjoin the subject property on the south and north, a public alley abuts the lot to the west and 13th Street is located directly east.

14. Connection of the two structures will also technically create two undersized closed courts. The walkway will be raised above the ground and will not interfere with use of the yard. The amount of space surrounding the existing buildings will not be diminished.

15. By memorandum dated December 3, 1986 and by testimony at the public hearing, the Office of Planning (OP) recommended conditional approval of the application. OP supported the conversion of the main structure to a three-unit apartment house, but opposed the conversion of the carriage house to a fourth apartment unit. OP stated that the main structure could easily accommodate three spacious apartments. OP also stated that the carriage house had no history of residential use and recommended that it be used for parking and storage purposes. OP reported that it is of the belief that the conversion to a total of four apartment units with a connecting walkway between is too intense a use for the site.

16. Advisory Neighborhood Commission (ANC) 1B submitted a letter, dated December 3, 1986, in opposition to the proposed residential use of the carriage house, but not to the proposed three units in the main structure.

17. All persons who sought to give testimony in favor of or in opposition to the application were given an opportunity to do so. Moreover, the record is replete with testimony in support of the statutory basis for the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based upon the foregoing Findings of Fact and the evidence of record, the Board concludes that the Applicant is seeking area variances, the granting of which requires a showing of an exceptional situation or condition of the property that causes a practical difficulty for the owners.

The Board concludes that the Applicant has met the burden of proof. The proposed is a practical use for the

currently vacant carriage house. The carriage house cannot be demolished. It could accommodate only one regulation size parking space, which would leave approximately 940 square feet for storage use.

The residential use of the property will be maintained. The additional units will increase the District's housing stock. The productive use of a currently vacant structure is likely to deter illegal activity in the immediate area. The unusual architectural features of the structures will be preserved.

The proposed use is in harmony with the residential character of the neighborhood.

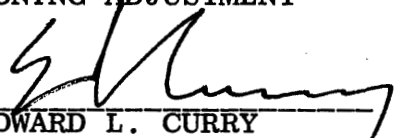
The Board further concludes that the relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zone Plan as embodied in the Zoning Regulations and Maps.

The Board also concludes that it has accorded to the ANC "the great weight" to which it is entitled by statute. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 3-0 (Maybelle T. Bennett, William F. McIntosh, Paula L. Jewell to grant; Charles R. Norris and Carrie L. Thornhill not voting, not having heard the case.)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Acting Executive Director

FINAL DATE OF ORDER: JUN 2 1987

UNDER SECTION 3103.1 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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